

BRIAN S. KABATECK, SBN 152054  
RICHARD L. KELLNER, SBN 171416  
ALFREDO TORRIJOS, SBN 222458  
KABATECK BROWN KELLNER LLP  
644 South Figueroa Street  
Los Angeles, California 90017  
Telephone: (213) 217-5000  
Facsimile: (213) 217-5010

Attorneys for Plaintiff  
DAVID ALMEIDA

CHRISTA M. ANDERSON - #184325  
DAVID J. SILBERT - #173128  
ALYSE BERTENTHAL - #253012  
KEKER & VAN NEST, LLP  
710 Sansome Street  
San Francisco, CA 94111  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

Attorneys for Defendant  
GOOGLE INC.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

DAVID ALMEIDA, individually and  
on behalf of all others similarly  
situated,

Plaintiff,

vs.

GOOGLE, INC., a Delaware  
Corporation; and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO. CV 08-02088 RMW  
HON. RONALD M. WHYTE

**STIPULATION AND [PROPOSED]  
ORDER TO VACATE THE  
DEADLINE FOR THE PARTIES TO  
CONDUCT MEDIATION**

1 Through this Stipulation, and for the reasons set forth below, plaintiff David  
2 Almeida (“Plaintiff”) and defendant Google Inc. (“Defendant”) stipulate to vacate  
3 the deadline to for the parties to conduct mediation:

4 WHEREAS, on or about April 2, 2009, the Court entered a Case  
5 Management Order setting the deadline for the parties to conduct mediation on  
6 October 9, 2009;

7 WHEREAS, the parties and the Mediator agreed to conduct mediation on  
8 September 28, 2009;

9 WHEREAS, the parties agreed to submit Mediation Statements to the  
10 Mediator on September 18, 2009;

11 WHEREAS, on September 11, 2009, Plaintiff filed a motion for leave to file  
12 a first amended complaint and to set a case management conference;

13 WHEREAS, the earliest the Court can hear Plaintiff’s motion is on October  
14 30, 2009;

15 WHEREAS, the parties are in agreement that a mediation prior to the  
16 determination of Plaintiff’s motion for leave to file an amended complaint will be  
17 ineffective and an inefficient use of counsels’ and the mediator’s time.

18 IT IS HEREBY STIPULATED AND AGREED that the deadline for the  
19 parties to conduct mediation should be vacated and a new deadline be set following  
20 a decision on Plaintiff’s motion for leave to file an amended complaint, if  
21 applicable.

Dated: September 11, 2009      KABATECK BROWN KELLNER LLP

Dated: September 11, 2009      KEKER & VAN NEST LLP

By: /s/ David J. Silbert  
David J. Silbert  
Attorneys for Defendant

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2009

HON. RONALD M. WHYTE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA